

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 State Bar No. 91740
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5556
5 Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2012-54

13 **JACQUELINE DEN BLEYKER**
14 110 Lincoln Drive
15 Sausalito, California 94965

STATEMENT OF ISSUES

Applicant.

16 Complainant alleges:

PARTIES

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
18 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs.

20 2. On or about February 24, 2011, the Board of Registered Nursing, Department of
21 Consumer Affairs received an application for a Registered Nurse License from Jacqueline Den
22 Bleyker (Applicant). On or about February 22, 2011, Jacqueline Den Bleyker certified under
23 penalty of perjury to the truthfulness of all statements, answers, and representations in the
24 application. The Board denied the application on May 20, 2011.

JURISDICTION

25 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
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1 "(c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license."

4 6. Section 2761 of the Business and Professions Code, in pertinent part, states:

5 "The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 . . .

9 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
10 functions, and duties of a registered nurse, in which event the record of the conviction shall be
11 conclusive evidence thereof.

12 . . .

13 7. Section 2762 of the Business and Professions Code, in pertinent part, states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 . . .

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

28 . . .

8. California Code of Regulations, title 16, section 1444, provides, in pertinent part that a conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Crime)

9. Applicant's application is subject to denial under Business and Professions Code sections 480(a)(1) and 2761(f) in that she was convicted of a crime or act that is substantially related to the qualifications, functions, or and duties of a registered nurse. The circumstances are as follows:

a. On or about May 19, 2009, in a criminal proceeding entitled People of the State of Colorado v. Jacqueline Denbleyker, Jefferson County Court Case No. 09T3826, the Applicant was convicted by her plea of guilty for violating section 42-4-1007(1)(a) C.R.S. (Lane Usage Violation), an infraction, and violating section 42-4-1301(1)(b) C.R.S. (Driving While Ability Impaired), a misdemeanor.

b. On or about February 28, 2009, the Applicant was arrested in Jefferson County Colorado for violating the following laws: Section 42-4-901(2) C.R.S. (failure to turn from turn only lane); Section 42-4-1007(1)(c) C.R.S. (failure to drive in a single lane); Section 42-4-1301(1)(b) C.R.S. (driving a motor vehicle while under the influence of alcohol or drugs or both).

c. On or about May 19, 2009, the Applicant was sentenced to 24 hours of community service; placed on probation until May 19, 2011; ordered to pay fines and fees in the amount of \$577.00; and ordered to participate in a Supervised Alcohol Program. The Terms and Conditions of Sentence reported that, with regard to the driving while ability impaired conviction, the Applicant's Blood Alcohol Content (BAC) was .153%. On or about June 7, 2010, the court granted the applicant's petition for early termination of her probation and terminated the applicant's probation term.

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